

PATENT APPLICATION
Mo-5884
LeA 32,873

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN APPLICATION OF)
GÜNTER LINDE ET AL) Expedited Under 37 CFR 1.116
SERIAL NO.: 09/646,450) Expedited Procedure
FILED: SEPTEMBER 14, 2000) Examining Group 1754
TITLE: COMPACTED CARBON)
BLACK PELLETS)
) EXAMINER: S. BOS
)
) RESPONSE TO PAPER NO. 10
)

RESPONSE UNDER 37 CFR 1.116

Assistant Commissioner for Patents

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Applicants have carefully reviewed the Office Action dated July 2, 2002, and respectfully request reconsideration in view of the following remarks.

Claims 20-34 have been rejected under 35 USC 103(a) as being unpatentable over US 5,797,988 to Linde or the European counterpart, EP 802,241.

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Thomas W. Roy
Signature
September 3, 2002
Date

Applicants traverse this rejection and submit that the compacted carbon black pellets of Linde have a lower relative color intensity in concrete; whereas the claimed compacted carbon black pellets have a higher relative color intensity in concrete. Applicants incorrectly referred to "density" in their previous response.

The claims of the subject require the compacted carbon black pellets to have a relative color intensity that is greater than that of the uncompacted powder. The examples of the subject application demonstrate this improvement in color intensity for the particles in concrete.

The compacted pellets of Linde do not satisfy this requirement of the subject claims. In Table 1 of Linde the relative color intensity is also measured in concrete and the compacted pellets have a lower color intensity than the uncompacted powder. The values for the pellets are 81, 85 and 90 vs. a standard of 100 for the powder.

Linde does not disclose that it would be possible to increase the color intensity to the levels required by the subject claims. Therefore, it is submitted that Linde fails to render the subject claims unpatentable within the meaning of 35 USC 103(a). Accordingly, withdrawal of this rejection is requested.

The foregoing is believed to be a complete response to the Office Action dated July 2, 2002, and in view of the preceding amendments and remarks, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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**Fax Coversheet**

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Mo-5884/LeA 32,873
U.S. Serial No. 09/646,450
Response

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